

**UNITED STATES OF AMERICA**  
**JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**CHAIRMAN:**  
Judge Wm. Terrell Hodges  
United States District Court  
Middle District of Florida

**MEMBERS:**  
Judge John F. Keenan  
United States District Court  
Southern District of New York

Judge Bruce M. Selya  
United States Court of Appeals  
First Circuit

Judge Julia Smith Gibbons  
United States Court of Appeals  
Sixth Circuit

Judge D. Lowell Jensen  
United States District Court  
Northern District of California

Judge J. Frederick Motz  
United States District Court  
District of Maryland

Judge Robert L. Miller, Jr.  
United States District Court  
Northern District of Indiana

**DIRECT REPLY TO:**

Michael J. Beck  
Clerk of the Panel  
One Columbus Circle, NE  
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Judiciary Building  
Room G-255, North Lobby  
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<http://www.jpml.uscourts.gov>

November 26, 2003

FILED ENTERED  
LODGED RECEIVED

NOV 26 2003

BY  M. J. BECK  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

Bruce Rifkin, Clerk  
215 William Kenzo Nakamura U.S. Courthouse  
1010 Fifth Avenue  
Seattle, WA 98104-1130

Re: MDL-1407 -- In re Phenylpropanolamine (PPA) Products Liability Litigation

(See Attached Schedule CTO-37)

Dear Mr. Rifkin:

I am enclosing one certified copy and additional copies of a conditional transfer order filed by the Panel in the actions listed on the attached schedule on November 10, 2003. The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred." As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435 (2001), transmittal of the order has been stayed 15 days to give any party an opportunity to oppose the transfer if they wish to do so. The 15-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

A list of involved counsel is attached.

Very truly,

Michael J. Beck  
Clerk of the Panel

By 

Deputy Clerk



01-MD-01407-ORD

**Attachments**

cc: Transferee Judge: Judge Barbara Jacobs Rothstein  
Transferor Judges: (See Attached List of Judges)  
Transferor Clerks: (See Attached List of Clerks)

JPML Form 38

**A CERTIFIED TRUE COPY**

NOV 26 2003

ATTEST

FOR THE JUDICIAL PANEL OF  
MULTIDISTRICT LITIGATION

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**MAIL**

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

NOV 10 2003

DEC 01 2003

FILED  
CLERK'S OFFICE

DOCKET NO. 1407  
AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY  
LITIGATION**

**(SEE ATTACHED SCHEDULE)**

**CONDITIONAL TRANSFER ORDER (CTO-37)**

On August 28, 2001, the Panel transferred eight civil actions to the United States District Court for the Western District of Washington for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 1,267 additional actions have been transferred to the Western District of Washington. With the consent of that court, all such actions have been assigned to the Honorable Barbara Jacobs Rothstein.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the Western District of Washington and assigned to Judge Rothstein.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Western District of Washington for the reasons stated in the order of August 28, 2001, 173 F.Supp.2d 1377 (J.P.M.L. 2001), and, with the consent of that court, assigned to the Honorable Barbara Jacobs Rothstein.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Western District of Washington. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is pending at this time, the stay is lifted.

NOV 26 2003

CLERK'S OFFICE  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

FOR THE PANEL:

Michael J. Beck  
Michael J. Beck  
Clerk of the Panel

**SCHEDULE CTO-37 - TAG ALONG CASES**  
**DOCKET NO. 1407**  
**IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION**

DISTRICT DIV. CIVIL ACTION#

**ARKANSAS WESTERN**

ARW	4	03-4105	Paul Rouse, et al. v. Bayer Corp.
ARW	4	03-4106	Mitchell Carter v. Bayer Corp.
ARW	4	03-4107	James Dallas, et al. v. Bayer Corp.
ARW	4	03-4108	Christy Bradshaw, et al. v. Bayer Corp.
ARW	4	03-4109	Kathie Renee Hill, etc. v. Novartis Pharmaceuticals Corp., et al.
ARW	4	03-4110	Nadine Parker v. American Home Products Corp., et al.
ARW	4	03-4111	Rudolph Atherly, et al. v. American Home Products Corp., et al.
ARW	4	03-4112	William Balentine, et al. v. Bayer Corp.
ARW	4	03-4113	Lillie Harrison v. Bayer Corp.
ARW	4	03-4114	Timothy Lynch v. Bayer Corp.
ARW	4	03-4115	Patty Padgett, et al. v. Bayer Corp.
ARW	4	03-4116	Dennis Wilson Minter, et al. v. Bayer Corp.
ARW	4	03-4117	Robert Cleary v. Bayer Corp.
ARW	4	03-4118	Obie Bryant, et al. v. Bayer Corp.
ARW	4	03-4119	Gary Dale Wise, et al. v. Schering-Plough Corp.
ARW	4	03-4120	Elizabeth Bates, et al. v. Novartis Pharmaceuticals Corp., et al.
ARW	4	03-4121	Gladie Reed v. Novartis Pharmaceuticals Corp., et al.
ARW	4	03-4122	Lloyd Earl Hunt v. American Home Products Corp., et al.
ARW	4	03-4123	Mamie Curry v. American Home Products Corp., et al.
ARW	4	03-4124	Billy Wilson, et al. v. American Home Products Corp., et al.
ARW	4	03-4125	Larry Dotson, et al. v. American Home Products Corp., et al.
ARW	4	03-4126	Bobby Scott, et al. v. Novartis Pharmaceuticals Corp., et al.
ARW	4	03-4127	Jimmie E. Ables, et al. v. Novartis Pharmaceuticals Corp., et al.
ARW	4	03-4128	Don Partridge, et al. v. Novartis Pharmaceuticals Corp., et al.
ARW	4	03-4129	James Hutchinson v. Bayer Corp., et al.
ARW	4	03-4130	Emery Thomas, et al. v. Bayer Corp., et al.
ARW	4	03-4131	Lynetta White v. Bayer Corp., et al.
ARW	4	03-4132	Pacifico Camarin, Jr., et al. v. American Home Products Corp., et al.
ARW	4	03-4134	Luvell Livingston, et al. v. Novartis Pharmaceuticals Corp., et al.
ARW	4	03-4135	Lou Graham, et al. v. Bristol Myers Squibb Co., et al.
ARW	4	03-4136	Betty Evans v. Novartis Pharmaceuticals Corp., et al.

**ARIZONA**

AZ	2	03-1875	Karen Tso, et al. v. Perrigo Co., et al.
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**MISSOURI WESTERN**

MOW	2	03-4165	Catherine Sweet v. Wyeth, et al.
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**MISSISSIPPI SOUTHERN**

MSS	2	03-484	Alisa Lott v. Chattem, Inc.
MSS	4	03-366	Mary Jordan v. Wyeth, et al.

**SOUTH CAROLINA**

SC	2	03-3131	Melvin Craven v. Bayer Corp., et al.
SC	2	03-3132	Albert Smith v. Bayer Corp., et al.
SC	2	03-3133	David Powell v. Bayer Corp., et al.
SC	2	03-3172	Lillie Mae Brewer, etc. v. Schering-Plough Healthcare Products, Inc.
SC	6	03-3192	George Fair v. Bayer Corp., et al.

**INVOLVED COUNSEL LIST (CTO-37)**  
**DOCKET NO. 1407**  
**IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION**

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**DOCKET NO. 1407**  
**IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION**

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Hon. Jimm Larry Hendren  
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United States District Court  
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Hon. Tom S. Lee  
Chief Judge, U.S. District Court  
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Hon. Charles W. Pickering, Sr.  
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Hon. Scott O. Wright  
Senior U.S. District Judge  
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Hon. Joseph F. Anderson, Jr.  
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United States District Court  
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**INVOLVED CLERKS LIST (CTO-37)**  
**DOCKET NO. 1407**  
**IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION**

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